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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION EIGHT

THE PEOPLE,

Plaintiff and Respondent,

v.

R.D.,

Defendant and Appellant.

B211571

(Los Angeles County
Super. Ct. No. YJ31037)

APPEAL from the judgment of the Superior Court of Los Angeles County. Wayne Denton, Commissioner. Affirmed.

David L. Polsky, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

* * * * *

At around 6:30 a.m. on February 18, 2008, Beverly Hills Police Officer Joel Givens responded to a report that there was a man down in a black or dark green sport utility vehicle near the intersection of Doheny Drive and Dayton Way. When Givens arrived, he saw a Porsche SUV parked nearby that looked as if it had been in a collision with another car. Givens inspected the Porsche and found dark green auto body part debris wedged in a wheel well. There was no note left on or near the Porsche, and no people or other cars nearby. Givens drove around the area and, about four blocks away, saw a dark green Mercedes with damage to its right front area parked by the curb. When Givens stopped to take a closer look, he saw that the Mercedes was missing a piece that looked like the debris he found in the Porsche.

As Givens approached the Mercedes, he saw 16-year-old R.D. asleep behind the wheel. The car's engine was on. R.D. did not respond when Givens tapped, and then knocked, on the driver's side window. When Givens opened the door, R.D. woke up. Givens smelled the strong odor of marijuana. As R.D. got out of the car, he asked Givens if he had made an illegal turn. His speech was slurred. R.D. was also unsteady on his feet, his eyes were droopy and glassy, and he seemed disoriented and confused. Givens had to help R.D. walk to the curb and sit down. R.D. told Givens he was the last person to drive the car, but denied being involved in a traffic collision. When Givens pointed out the damage to the right front of the Mercedes, however, R.D. said he knew about it but did not think it was that bad. After other officers arrived, R.D. told them, "There was no hit-and-run. I have insurance. I want to exchange information."

Givens found a glass pipe containing marijuana in the car's center console. R.D. said the pipe was his and admitted to smoking some marijuana the day before. One of the other officers had R.D. take field sobriety tests. R.D. did poorly on those and was taken to the police station for drug and alcohol tests. The tests showed he had not had any liquor, but that he did have marijuana in his urine.

A petition was filed asking the juvenile court to determine that R.D. was a ward of the court (Welf. & Inst. Code, § 602) because he had committed two misdemeanors: (1) hit and run (Veh. Code, § 20002, subd. (a)); and (2) driving under the influence of marijuana. (Veh. Code, § 23152, subd. (a).)

R.D. testified that he was unable to leave a note for the Porsche owner after the accident because he did not have paper or a pen. Instead, he decided to wait around for the owner or the police to come. He ended up parking a few blocks away because there was no place closer he could park. R.D. claimed he left the engine running because it was cold and he wanted the heater on. He fell asleep while waiting and was cold and groggy when Givens woke him up. He told the police officers that he took responsibility for the accident, did not intend to leave the scene of the accident, and was waiting for the owner to come out. R.D. also told Givens that the marijuana pipe belonged to his brother.

The juvenile court sustained both counts of the petition and placed R.D. on home probation. R.D. filed a notice of appeal. On March 9, 2009, his appointed appellate counsel filed a *Wende* brief. Attached to the brief was a declaration from counsel stating that he had reviewed the record, written to R.D., sent him a copy of the brief and the record, and advised him of his right to file a supplemental brief within 30 days. On March 11, 2009, we sent R.D. a letter concerning his counsel's inability to find any arguable issues and advised him of his right to file supplemental briefing. R.D. did not file a supplemental brief. We have examined the entire record and are satisfied that R.D.'s attorney has fully complied with his responsibilities and that no arguable issues exist. (*Smith v. Robbins* (2000) 528 U.S. 259; *People v. Wende* (1979) 25 Cal.3d 436.)

DISPOSITION

The judgment is affirmed.

RUBIN, ACTING P. J.

We concur:

FLIER, J.

BENDIX, J.*

* Judge of the Los Angeles Superior Court, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.⁵